

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SUSAN P. DELLER & WILLIAM M. DELLER, SP 2011-MV-103 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit within an existing dwelling. Located at 2806 Holland Ct., Alexandria, 22306, on approx. 10,935 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 102-1 ((43)) 4. (Decision deferred from 2/15/12) Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 29, 2012; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the property.
2. The Board has a favorable staff recommendation, and adopts the rationale in the staff report.
3. There is correspondence in support from the civic association.
4. The reason for the deferral had to do with some confusion over the plat.
5. The Board has been given a satisfactory explanation, that what had been treated as the rear yard actually is the rear yard.
6. The plat in the staff report did not depict the outlot between this lot and the street in the back.
7. Because of the intervening outlot, there is a rear yard in the back, and everything is fine.
8. It does not appear that there would be any significant negative impact on the neighbors from the accessory dwelling unit.
9. There did not seem to be any opposition to it.
10. With the imposition of the development conditions, the application meets the applicable standards.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant and title owners only, Susan P. and William M. Deller, and is not transferable without further action of this Board, and is for the location indicated on the application, 2806 Holland Court, (10,935 square feet), and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Scartz Surveys., dated September 12, 2011, revised through February 16, 2012, as signed and sealed by Larry N. Scartz, Land Surveyor, and approved with this application, as qualified by these development conditions.
4. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 874 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. All applicable building permits and final inspections shall be obtained for the construction, including kitchen, in the accessory dwelling unit.
8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
9. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.


10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory dwelling unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. All parking shall be provided on site as shown on the special permit plat.
12. All play equipment shall be subject to the use limitations of Sect. 10-103 of the Zoning Ordinance.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Ms. Gibb seconded the motion, which carried by a vote of 7-0.


A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

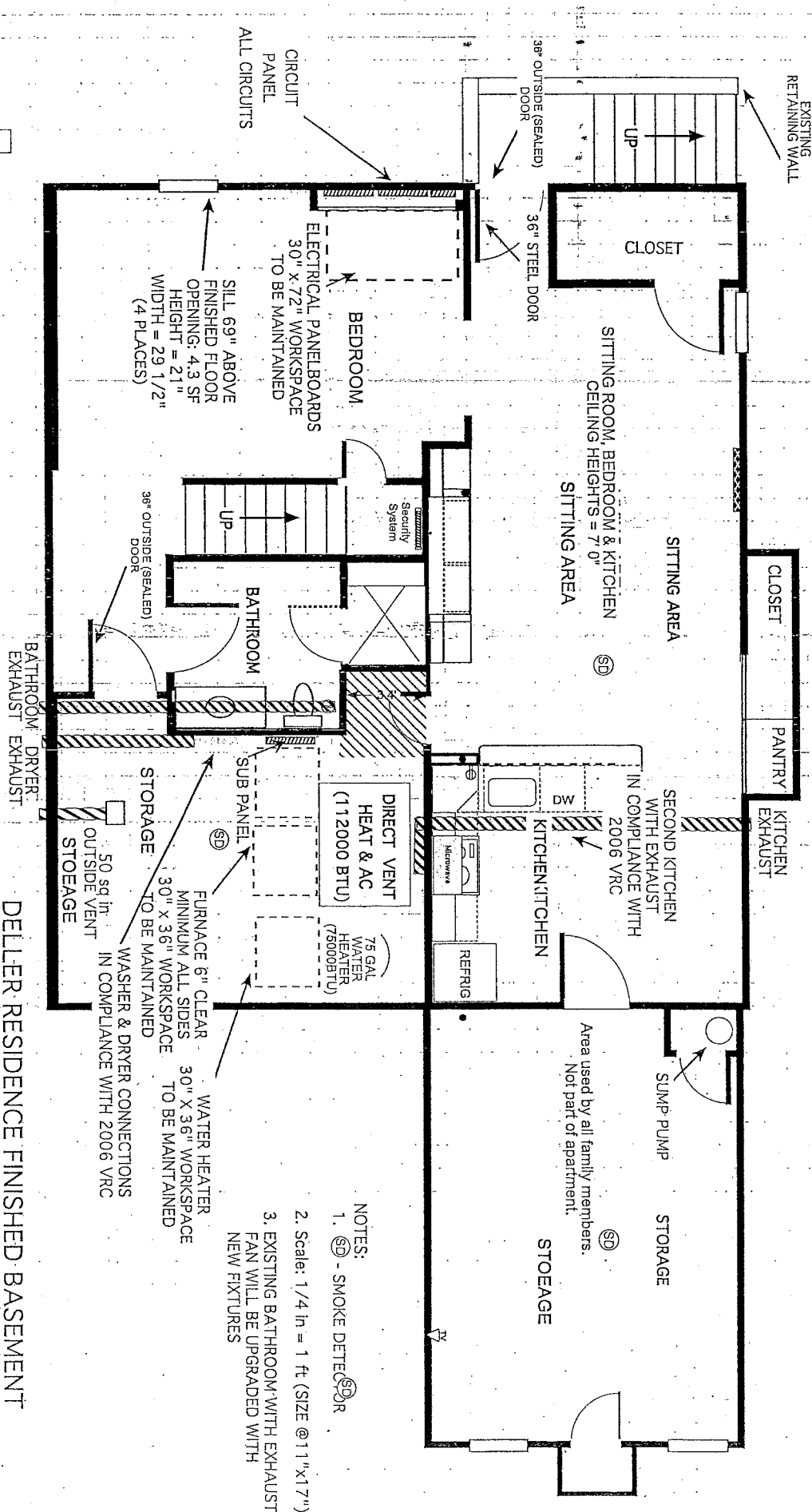
The foregoing instrument was acknowledged before me this 2 day of March, 2012.



Notary Public

My commission expires: 07-31-2012

Commonwealth of Virginia
Homaira Amin - Notary Public
Commission No. 7196278
My Commission Expires 07/31/2012



DELLER RESIDENCE FINISHED BASEMENT

2806 HOLLAND COURT. DESIGNER: JOHN R. PORT
 DESIGNED UNDER THE 2006 VRC OCCUPATION: ELECTRONICS ENGINEER (RETIRED)

January 22, 2012/JRP